

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3783  
OFFERED BY MR. DUNCAN OF SOUTH CAROLINA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Countering Iran in  
3 the Western Hemisphere Act of 2012”.

**4 SEC. 2. FINDINGS.**

5       Congress finds the following:

6           (1) The United States has vital political, eco-  
7 nomic, and security interests in the Western Hemi-  
8 sphere.

9           (2) Iran is pursuing cooperation with Latin  
10 American countries by signing economic and security  
11 agreements in order to create a network of diplo-  
12 matic and economic relationships to lessen the blow  
13 of international sanctions and oppose Western at-  
14 tempts to constrict its ambitions.

15           (3) According to the Department of State,  
16 Hezbollah, with Iran as its state sponsor, is consid-  
17 ered the “most technically capable terrorist group in  
18 the world” with “thousands of supporters, several

1       thousand members, and a few hundred terrorist  
2       operatives,” and officials from the Iranian Revolu-  
3       tionary Guards Corps (IRGC) Qods Force have been  
4       working in concert with Hezbollah for many years.

5           (4) The IRGC’s Qods Force has a long history  
6       of supporting Hezbollah’s military, paramilitary, and  
7       terrorist activities, providing it with guidance, fund-  
8       ing, weapons, intelligence, and logistical support,  
9       and in 2007, the Department of the Treasury placed  
10      sanctions on the IRGC and its Qods Force for their  
11      support of terrorism and proliferation activities.

12          (5) The IRGC’s Qods Force stations operatives  
13      in foreign embassies, charities, and religious and cul-  
14      tural institutions to foster relationships, often build-  
15      ing on existing socioeconomic ties with the well es-  
16      tablished Shia Diaspora, and recent years have wit-  
17      nessed an increased presence in Latin America.

18          (6) According to the Department of Defense,  
19      the IRGC and its Qods Force played a significant  
20      role in some of the deadliest terrorist attacks of the  
21      past two decades, including the 1994 attack on the  
22      AMIA Jewish Community Center in Buenos Aires,  
23      by generally directing or supporting the groups that  
24      actually executed the attacks.

1           (7) Reports of Iranian intelligence agents being  
2           implicated in Hezbollah-linked activities since the  
3           early 1990s suggest direct Iranian government sup-  
4           port of Hezbollah activities in the Tri-Border Area  
5           of Argentina, Brazil, and Paraguay, and in the past  
6           decade, Iran has dramatically increased its diplo-  
7           matic missions to Venezuela, Bolivia, Nicaragua, Ec-  
8           uador, Argentina, and Brazil. Iran has built 17 cul-  
9           tural centers in Latin America, and it currently  
10          maintains 11 embassies, up from 6 in 2005.

11          (8) Hezbollah and other Iranian proxies with a  
12          presence in Latin America have raised revenues  
13          through illicit activities, including drug and arms  
14          trafficking, counterfeiting, money laundering, forg-  
15          ing travel documents, pirating software and music,  
16          and providing haven and assistance to other terror-  
17          ists transiting the region.

18          (9) Bolivia, Cuba, Ecuador, Nicaragua, and  
19          Venezuela expressed their intention to assist Iran in  
20          evading sanctions by signing a statement supporting  
21          Iran's nuclear activities and announcing at a 2010  
22          joint press conference in Tehran their determination  
23          to "continue and expand their economic ties to Iran"  
24          with confidence that "Iran can give a crushing re-

1        sponse to the threats and sanctions imposed by the  
2        West and imperialism”.

3            (10) The U.S. Drug Enforcement Agency con-  
4        cluded in 2007 that almost one-half of the foreign  
5        terrorist organizations in the world are linked to  
6        narcotics trade and trafficking, including Hezbollah  
7        and Hamas. Sophisticated narco-tunneling has also  
8        been discovered along the United States–Mexico bor-  
9        der that has led to concerns about Hezbollah’s abil-  
10      ity to cooperate with Mexican drug trafficking orga-  
11      nizations to utilize smuggling techniques and routes  
12      in order to transport drugs and people into the  
13      United States.

14           (11) In October 2011, the United States  
15      charged two men, Manssor Arbabsiar, a United  
16      States citizen holding both Iranian and United  
17      States passports, and Gholam Shakuri, an Iran-  
18      based member of Iran’s IRGC Qods Force, with con-  
19      spiracy to murder a foreign official using explosives  
20      in an act of terrorism. Arbabsiar traveled to Mexico  
21      with the express intent to hire “someone in the nar-  
22      cotics business” to carry out the assassination of the  
23      Saudi Arabian Ambassador in the United States.  
24      While in the end, he only engaged a U.S. Drug En-  
25      forcement Agency informant posing as an associate

1 of a drug trafficking cartel, Arbabsiar believed that  
2 he was working with a member of a Mexican drug  
3 trafficking organization and sought to send money  
4 to this individual in installments and not in a single  
5 transfer.

6 (12) In February 2011, actions by the Depart-  
7 ment of the Treasury effectively shut down the Leb-  
8 anese Canadian Bank. Subsequent actions by the  
9 United States Government in connection with the in-  
10 vestigation into Lebanese Canadian Bank resulted in  
11 the indictment in December 2011 of Ayman  
12 Joumaa, a former Medellin Cartel member with ties  
13 to Hezbollah, for trafficking cocaine to the Los  
14 Zetas drug trafficking organization in Mexico City  
15 for sale in the United States and for laundering the  
16 proceeds.

17 **SEC. 3. STATEMENT OF POLICY.**

18 It shall be the policy of the United States to use ap-  
19 propriate elements of national power to counter Iran's  
20 growing hostile presence and activity in the Western  
21 Hemisphere by working together with United States allies  
22 and partners in the region to mutually deter threats to  
23 our interests by the Government of Iran.

24 **SEC. 4. DEFINITIONS.**

25 In this Act:

1           (1) WESTERN HEMISPHERE.—The term “West-  
2       ern Hemisphere” means the United States, Canada,  
3       Mexico, the Caribbean, South America, and Central  
4       America.

5           (2) RELEVANT CONGRESSIONAL COMMIT-  
6       TEES.—The term “relevant congressional commit-  
7       tees” means the Committee on Foreign Affairs of  
8       the House of Representatives and the Committee on  
9       Foreign Relations of the Senate.

10 **SEC. 5. REQUIREMENT OF A STRATEGY TO ADDRESS IRAN’S**  
11 **GROWING HOSTILE PRESENCE AND ACTIVITY**  
12 **IN THE WESTERN HEMISPHERE.**

13       (a) IN GENERAL.—Not later than 180 days after the  
14       date of the enactment of this Act, the Secretary of State  
15       shall conduct an assessment of the threats posed to the  
16       United States by Iran’s growing hostile presence and ac-  
17       tivity in the Western Hemisphere and submit to the rel-  
18       evant congressional committees the results of the assess-  
19       ment and a strategy to address Iran’s growing hostile  
20       presence and activity in the Western Hemisphere.

21       (b) MATTERS TO BE INCLUDED.—The strategy de-  
22       scribed in subsection (a) should include—

23           (1) a description of the presence, activities, and  
24       operations of Iran, the Iranian Revolutionary  
25       Guards Corps (IRGC), its Qods Force, Hezbollah,

1 and other terrorist organizations linked to Iran that  
2 may be present in the Western Hemisphere, includ-  
3 ing information about their leaders, objectives, and  
4 areas of influence and information on their financial  
5 networks, trafficking activities, and safe havens;

6 (2) an assessment of the terrain, population,  
7 ports, foreign firms, airports, borders, media outlets,  
8 financial centers, foreign embassies, charities, reli-  
9 gious and cultural centers, and income-generating  
10 activities in the Western Hemisphere utilized by  
11 Iran, the IRGC, its Qods Force, Hezbollah, and  
12 other terrorist organizations linked to Iran that may  
13 be present in the Western Hemisphere;

14 (3) a description of the relationship of Iran, the  
15 IRGC, its Qods Force, and Hezbollah with  
16 transnational criminal organizations linked to Iran  
17 and other terrorist organizations in the Western  
18 Hemisphere, including information on financial net-  
19 works and trafficking activities;

20 (4) a description of the relationship of Iran, the  
21 IRGC, its Qods Force, Hezbollah, and other ter-  
22 rorist organizations linked to Iran that may be  
23 present in the Western Hemisphere with the govern-  
24 ments in the Western Hemisphere, including mili-

1        tary-to-military relations and diplomatic, economic,  
2        and security partnerships and agreements;

3            (5) an assessment of the Federal law enforce-  
4        ment capabilities, military forces, State and local  
5        government institutions, and other critical elements,  
6        such as nongovernmental organizations, in the West-  
7        ern Hemisphere that may organize to counter the  
8        threat posed by Iran, the IRGC, its Qods Force,  
9        Hezbollah, and other terrorist organizations linked  
10       to Iran that may be present in the Western Hemi-  
11       sphere;

12           (6) a description of activity by Iran, the IRGC,  
13        its Qods Force, Hezbollah, and other terrorist orga-  
14        nizations linked to Iran that may be present at the  
15        United States borders with Mexico and Canada and  
16        at other international borders within the Western  
17        Hemisphere, including operations related to drug,  
18        human, and arms trafficking, human support net-  
19        works, financial support, narco-tunneling, and tech-  
20        nological advancements that incorporates—

21            (A) with respect to the United States bor-  
22        ders, in coordination with the Governments of  
23        Mexico and Canada and the Secretary of Home-  
24        land Security, a plan to address resources, tech-  
25        nology, and infrastructure to create a secure



1 United States border and strengthen the ability  
2 of the United States and its allies to prevent  
3 operatives from Iran, the IRGC, its Qods  
4 Force, Hezbollah, or any other terrorist organi-  
5 zation from entering the United States; and

6 (B) within Latin American countries, a  
7 multiagency action plan, in coordination with  
8 United States allies and partners in the region,  
9 that includes the development of strong rule-of-  
10 law institutions to provide security in such  
11 countries and a counterterrorism and counter-  
12 radicalization plan to isolate Iran, the IRGC, its  
13 Qods Force, Hezbollah, and other terrorist or-  
14 ganizations linked to Iran that may be present  
15 in the Western Hemisphere from their sources  
16 of financial support and counter their facilita-  
17 tion of terrorist activity; and

18 (7) a plan—

19 (A) to address any efforts by foreign per-  
20 sons, entities, and governments in the region to  
21 assist Iran in evading United States and inter-  
22 national sanctions;

23 (B) to protect United States interests and  
24 assets in the Western Hemisphere, including  
25 embassies, consulates, businesses, energy pipe-

1 lines, and cultural organizations, including  
2 threats to United States allies;

3 (C) to support United States efforts to  
4 designate persons and entities in the Western  
5 Hemisphere for proliferation activities and ter-  
6 rorist activities relating to Iran, including affili-  
7 ates of the IRGC, its Qods Force, and  
8 Hezbollah, under applicable law including the  
9 International Emergency Economic Powers Act;  
10 and

11 (D) to address the vital national security  
12 interests of the United States in securing en-  
13 ergy supplies from the Western Hemisphere.

14 (c) DEVELOPMENT.—In developing the strategy  
15 under this section, the Secretary of State shall consult  
16 with the heads of all appropriate United States depart-  
17 ments and agencies, including the Secretary of Defense,  
18 the Director of National Intelligence, the Secretary of  
19 Homeland Security, the Secretary of the Treasury, the At-  
20 torney General, and the United States Trade Representa-  
21 tive.

22 (d) FORM.—The strategy under this section shall be  
23 submitted in unclassified form, but may contain a classi-  
24 fied annex if necessary.

1   **SEC. 6. REPORT.**

2           (a) IN GENERAL.—Not later than 1 year after the  
3 submission of the strategy required under section 5, the  
4 Secretary of State shall submit to the relevant congres-  
5 sional committees a report on the progress made toward  
6 the implementation of the strategy and a description and  
7 evaluation toward achieving the policy objective described  
8 in section 3.

9           (b) SENSE OF CONGRESS.—It is the sense of Con-  
10 gress that the Secretary of State should keep the relevant  
11 congressional committees continually informed on the hos-  
12 tile actions of Iran in the Western Hemisphere.

13   **SEC. 7. SUNSET.**

14           (a) SUNSET.—The provisions of this Act shall termi-  
15 nate, and shall cease to be effective, on the date that is  
16 30 days after the date on which the President certifies  
17 to Congress that Iran—

18                   (1) has ceased and verifiably dismantled its ef-  
19 forts to design, develop, manufacture, or acquire—

20                           (A) a nuclear explosive device or related  
21 materials and technology;

22                           (B) chemical and biological weapons; and

23                           (C) ballistic missiles and ballistic missile  
24 launch technology;

25                   (2) no longer provides support for acts of inter-  
26 national terrorism; and

1           (3) poses no threat to United States national  
2       security, interests, or allies.

3       (b) NOTIFICATION.—The President shall notify the  
4 relevant congressional committees not later than 15 days  
5 before making a certification described in subsection (a).

6 **SEC. 8. FUNDING FOR DEVELOPMENT AND IMPLEMENTA-**  
7 **TION OF STRATEGY TO COUNTER IRAN IN**  
8 **THE WESTERN HEMISPHERE.**

9       Notwithstanding any other provision of law, funds  
10 made available to any office or bureau of the Department  
11 of State for counter-terrorism programs are authorized to  
12 be made available to carry out this Act.

13 **SEC. 9. RULE OF CONSTRUCTION.**

14       Nothing in this Act shall be construed to limit the  
15 rights or protections enjoyed by United States citizens  
16 under the United States Constitution or other Federal  
17 law, or to create additional authorities for the Federal  
18 Government that are contrary to the United States Con-  
19 stitution and United States law.

Amend the title so as to read: “A bill to provide for  
a comprehensive strategy to counter Iran’s growing hos-  
tile presence and activity in the Western Hemisphere,  
and for other purposes.”.

